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TAYLOR THOMSON

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Taylor Thomson

Plaintiff,

V.

Persistence Technologies BVI Pte Ltd.,
Tushar Aggarwal, Ashley Richardson.

Defendants.

Case No. 2:23-cv-04669-MEMF-MAR

PLAINTIFF TAYLOR THOMSON'S OPPOSITION TO DEFENDANT ASHLEY RICHARDSON'S EX PARTE APPLICATION

1 **I. INTRODUCTION**

2 Plaintiff Taylor Thomson (“Plaintiff”) respectfully submits this opposition to
3 Defendant Ashley Richardson’s (“Defendant”) Ex Parte Application for Order (1)
4 Granting Motion to Compel Deposition on the Papers, or Alternatively, (2) Setting
5 Hearing on Shortened Time, or (3) Continuing Discovery Cutoff for Limited Purpose,
6 and (4) Entering Protective Order.

7 Defendant’s application should be denied in its entirety. It is procedurally
8 improper, fails to satisfy the stringent standards for ex parte relief, and raises issues
9 that are either moot or properly addressed through normal noticed motion procedures.
10 Ex parte relief is reserved for true emergencies where irreparable prejudice will result
11 if the matter proceeds in the ordinary course. No such showing has been made here.

12 **II. BACKGROUND**

13 On October 10, 2025, Defendant filed an ex parte application seeking various
14 discovery relief, including an order compelling Plaintiff’s deposition, seeking a
15 unilateral extension of discovery deadlines, and the entry of a protective order

16 As an initial matter, Defendant failed to comply with Local Rule 7-19.1, which
17 requires that a party filing an ex parte application “make reasonable, good faith efforts
18 orally to advise counsel for all other parties, if known, of the date and substance of the
19 proposed ex parte application” and advise the Court, under oath, of those efforts.
20 Plaintiff received no such notice or communication prior to the filing of this ex parte
21 application, despite the fact that the parties met and conferred on related discovery
22 issues October 7, 2025.

23 Further, Defendant’s arguments regarding Plaintiff’s deposition simply rehash
24 those raised in her prior motion to compel, (Dkt. 96), which Magistrate Judge Rocconi
25 has already ruled upon, ordering the parties to “meet and confer to determine mutually
26 agreeable dates for each deposition and complete both depositions on mutually

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28 agreeable dates at any mutually agreed non-residential office space,” (Dkt. 122 at 13).

1 As a result, her deposition-related request is moot.

2 Plaintiff has continued to act in good faith to advance discovery. The parties met
3 and conferred on October 7, 2025, during which Defendant promised to produce
4 supplemental interrogatory responses and additional documents responsive to
5 Plaintiff's RFPs by October 10, 2025. To date, she has failed to do so.

6 Finally, Defendant's request for a protective order is disingenuous. Plaintiff
7 proposed a stipulated protective order more than a year ago, which Defendant flatly
8 refused. Given Defendant's refusal, Plaintiff was forced to request a protective order
9 from the Court in its opposition to Defendant's motion to compel Plaintiff's deposition,
10 (Dkt. 99 at 9-10), which was denied, (*see* Dkt. 122 at 4-5). Plaintiff again proposed a
11 protective order on October 7, 2025, and Defendant failed to respond, in spite of the
12 fact that Defendant specifically stated during the discovery-related meet and confer on
13 October 7, 2025 that she was now interested in agreeing to a protective order. Plaintiff
14 continues to agree that such an order is appropriate but rejects Defendant's attempt to
15 frame her own inaction over the past year as a current "emergency."

16 **III. ARGUMENT**

17 **A. Defendant's Ex Parte Application is Procedurally Improper**

18 Defendant's ex parte application should be denied outright because it fails to
19 comply with Local Rule 7-19.1, which requires that an ex parte applicant (1) make
20 reasonable, good faith efforts orally to advise counsel for all other parties, if known,
21 of the date and substance of the proposed ex parte application, and (2) advise the Court
22 in writing and under oath of efforts to contact other counsel and whether any other
23 counsel, after such advice, opposes the application. Defendant did neither. Her failure
24 to follow these basic procedural safeguards has deprived Plaintiff of an opportunity to
25 address the issues informally and further demonstrates that no emergency exists.

26 This procedural defect alone warrants denial of the application.

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1 **B. Defendant Fails to Meet the High Standard for Ex Parte Relief**

2 Ex parte applications are strongly disfavored and may only be granted where
3 the applicant demonstrates that they will be “irreparably prejudiced if the underlying
4 motion is heard according to regular noticed motion procedures.” *Mission Power*
5 *Eng’g Co. v. Continental Cas. Co.*, 883 F. Supp. 488, 492 (C.D. Cal. 1995).
6 Additionally, the moving party must show that she “is without fault in creating the
7 crisis that requires ex parte relief, or that the crisis occurred as a result of excusable
8 neglect.” *Id.*

9 Defendant has made no such showing. Any purported urgency is of her own
10 making, as she waited until mere days before the discovery cutoff to seek relief on
11 issues that she never sought to informally resolve with Plaintiff’s counsel, in spite of
12 having a meet and confer on related discovery issues on October 7, 2025, mere days
13 before the filing of her “ex parte” application. The supposed “crisis” is entirely self-
14 created and does not warrant emergency intervention.

15 **C. The Deposition Issue is Moot**

16 Defendant’s request to grant her motion to compel Plaintiff’s deposition has
17 already been resolved by the Court. Magistrate Judge Rocconi has issued a ruling,
18 ordering the parties to meet and confer to determine mutually agreeable dates for the
19 parties’ depositions at a mutually agreeable location, (Dkt. 122 at 13), rendering this
20 issue moot. Plaintiff has since contacted Defendant concerning potential options
21 regarding the scheduling of Defendant’s deposition and remains willing to cooperate
22 in scheduling both parties’ depositions and will continue to meet and confer in good
23 faith to find mutually agreeable dates.

24 **D. The Requested One-Sided Discovery Extension Is Unreasonable**

25 At one point in her motion, Defendant also seeks to extend the discovery
26 deadline solely for her own benefit. Such a one-sided extension would be completely
27 unfair, uncalled for, and inappropriate. Defendant has not met her own discovery

1 obligations, with the fact discovery cutoff quickly approaching. She has failed to
2 produce supplemental interrogatory responses and additional responsive documents
3 that she agreed to provide by October 10, 2025 during a meet-and-confer between the
4 parties which occurred on October 7, 2025. Her noncompliance cannot form the basis
5 of an “emergency” request to extend discovery. Nevertheless, Plaintiff is amenable to
6 a reasonable, bilateral extension of the discovery deadline. Indeed, on October 12,
7 2025, Plaintiff’s counsel proposed to stipulate to a continuance of the fact discovery
8 deadline and other corresponding discovery dates. Defendant has not responded as of
9 the filing of this opposition.

10 **E. Defendant’s Request for a Protective Order is Misleading**

11 Defendant’s request for a protective order is misleading and unnecessary.
12 Plaintiff’s counsel first proposed a stipulated protective order more than a year ago,
13 which Defendant refused. Following the recent meet and confer on October 7, 2025,
14 at which Plaintiff again raised the issue of a protective order and Defendant indicated
15 a new interest in potentially entering into such a protective order, Plaintiff’s counsel
16 again circulated a proposed protective order on October 7, 2025 (prior to the filing of
17 Defendant’s ex parte application), to which Defendant has not yet responded, despite
18 follow-up from Plaintiff’s counsel.

19 Plaintiff agrees that a protective order is appropriate and remains willing to
20 stipulate to one. However, this matter does not justify ex parte treatment, as it is neither
21 urgent nor the result of any newly arising circumstance.

22 **IV. CONCLUSION**

23 Defendant’s ex parte application is procedurally defective, fails to meet the
24 demanding standard for emergency relief, and raises issues that are either moot or
25 properly addressed through ordinary motion practice.

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1 Accordingly, Plaintiff respectfully requests that the Court deny Defendant's Ex
2 Parte Application in its entirety.

3 Dated: October 13, 2025

4 **MCDERMOTT WILL & SCHULTE LLP**

5 By: /s/ Julian L. André
6 TODD HARRISON
7 JULIAN L. ANDRÉ
JOSEPH B. EVANS

8 Attorneys for Plaintiff
9 TAYLOR THOMSON

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McDERMOTT WILL & SCHULTE LLP
ATTORNEYS AT LAW
LOS ANGELES

PROOF OF SERVICE

I am a citizen of the United States and resident of the State of California. I am employed in Los Angeles, California. My business address is McDermott Will & Schulte, LLP, 2049 Century Park East, Suite 3200, Los Angeles, CA 90067. I am over the age of eighteen years and not a party to this action.

On October 13, 2025, I caused to be served copies of the following documents:

**PLAINTIFF TAYLOR THOMSON'S OPPOSITION TO DEFENDANT
ASHLEY RICHARDSON'S EX PARTE APPLICATION**

on the following party via email and U.S. Mail:

Ashley Richardson
25399 Markham Lane
Salinas, CA 93908
ashrichardson@mac.com

Defendant in Pro Per

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on October 13, 2025 in Los Angeles, California.

/s/ Joshua Yim
Joshua Yim